

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GEORGE JENKINS, JR.,

Plaintiff,

v.

JUDY HATHAWAY, MS. JAMES and
JANE DOE,

Defendants.

Case No. 09-cv-914-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 43) of Magistrate Judge Philip M. Frazier recommending that the Court (1) grant defendant Debora James’ motion for sanctions (Doc. 41) and dismiss plaintiff George Jenkins, Jr.’s claims against her with prejudice pursuant to Federal Rule of Civil Procedure 37 and (2) dismiss Jenkins’ claim against defendant Jane Doe without prejudice for lack of timely service of process.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 43);

- **GRANTS** defendant James' motion for sanctions (Doc. 41);
- **DISMISSES with prejudice** Jenkins' claims against James pursuant to Federal Rule of Civil Procedure 37 for failure to comply with discovery;
- **DISMISSES without prejudice** Jenkins' claims against Jane Doe pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely serve her with process; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: June 14, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE